Amendments to the Claims:

Please amend claims 1-4, 7, 8, 37, 38, 41, 43-49, and 52-57. Please cancel previously presented claims 5, 40, 50, and 51; and add new claims 58-63. Following is a complete listing of the claims pending in the application, as amended:

1.   (Currently Amended) A method of using a distribution system for distributing images to client systems, the method comprising:

tracking communications received at the distribution system from a client system via a communications link, wherein a communication received from the client system includes a time associated with the communication; and

for an image that is to be distributed by the distribution system to a client system,

determining whether a time associated with a most recently received communication from the client system is within a certain time period;

based on the determining, evaluating whether to send ~~if it is determined that the time associated with the most recently received communication from the client system is within the certain time period, sending~~ the image to the client system via the communications link or via a mechanism other than the communications link.~~; and~~

~~if it is determined that the time associated with the most recently received communication from the client system is not within the certain time period, sending the image to the client system via a mechanism other than the communications link.~~

2.   (Currently Amended) The method of claim 1 wherein tracking communications includes tracking communications occurring over ~~the communications link is~~ the Internet.

3.   (Currently Amended) The method of claim 1 wherein evaluating whether to send the image to the client system via a mechanism other than the communications link includes evaluating whether to send the image to the client system via ~~the~~

mechanism other than the communications link comprises a physical computer-readable medium.

4.   (Currently Amended) The method of claim 3 wherein evaluating whether to send the image to the client system via a mechanism other than the communications link includes evaluating whether to send the image to the client system via the computer-readable medium comprises a disc-based medium.

5-6.   (Canceled)

7.   (Currently Amended) The method of claim 1, further comprising, in response to determining that wherein if the sending of the image to the client system via the communications link fails, sending the image to the client system via a mechanism other than the communications link.

8.   (Currently Amended) The method of claim 1 wherein tracking communications includes tracking a heartbeat signal that is the communication received from the client system and is a heartbeat that is sent periodically to the distribution system by the client system.

9–36.   (Canceled)

37.   (Currently Amended) An image distribution computing system having a processor and memory, the system comprising:
        a component that receives is configured to receive via a communications link communications from client systems;
        a component that provides is configured to provide packages of images to be distributed to client systems;
        a component that determines is configured to determine, for a package of images that is to be distributed to a client system, whether to distribute the package of images

should be distributed to the client system via the communications link or via a mechanism other than the communications link based on when the client system last communicated with the image distribution computing system via the communications link; and

a component that ~~directs~~ is configured to direct the distribution of a package of images to a client system in accordance with the determination,

wherein the components are implemented as instructions stored in the memory for execution by the processor.

38.   (Currently Amended) The system of claim 37 wherein the component that is configured to receive communications ~~link is~~ is configured to receive the communications from the Internet.

39.   (Previously Presented) The system of claim 37 wherein the mechanism is a physical computer-readable medium.

40.   (Canceled)

41.   (Currently Amended) The system of claim 39, further comprising ~~including~~ a component that ~~records~~ is configured to record the package of images on the computer-readable medium.

42.   (Canceled)

43.   (Currently Amended) The system of claim 37 wherein the component that is configured to receive communications ~~received~~ from the client systems ~~include~~ is configured to receive heartbeat communications from the client systems.

44.   (Currently Amended) The system of claim 37, further comprising ~~including~~ a component that ~~sends~~ is configured to send via the communications link the package of images to the client system.

45.   (Currently Amended) The system of claim 37 wherein ~~each~~ the package of images includes images selected based on preferences for the client system to which the package is to be sent.

46.   (Currently Amended) A method in a computer system for distribution of images to a client system, the method comprising:

receiving via the Internet heartbeat communications from a client system, the heartbeat communications being HTTP requests;

recording an indication of receipt of the heartbeat communications from the client system, wherein the indication includes a time associated with the receipt of the heartbeat communications;

determining whether to send an image ~~is to be sent~~ to the client system via the Internet or via ~~some other~~ another mechanism based on when a heartbeat ~~communications~~ communication was last received from the client system as indicated by the recorded indications of the receipt of heartbeat communications; and

sending the image to the client system via the Internet or via ~~some~~ the other mechanism based on the determination.

47.   (Currently Amended) The method of claim 46 wherein sending the image to the client system includes sending the image via ~~the mechanism is~~ a physical computer-readable medium.

48.   (Currently Amended) The method of claim 47 wherein sending the image to the client system includes sending the image via ~~the computer-readable medium is~~ a disc-based medium.

49.   (Currently Amended) The method of claim 47, further comprising ~~including~~ recording the image on the computer-readable medium.

50-51. (Canceled)

52.   (Currently Amended) The method of claim 1 wherein tracking communications includes tracking communications transmitted ~~the communication received~~ from the client system ~~is transmitted~~ at the initiative of the client system.

53.   (Currently Amended) The system of claim 37 wherein the component that is configured to receive communications ~~communication received from the client system~~ is configured to receive communications transmitted at the initiative of the client system.

54.   (Currently Amended) The method of claim 46 wherein receiving ~~the~~ heartbeat communications ~~received~~ includes receiving heartbeat communications from the client system that are transmitted at the initiative of the client system.

55.   (Currently Amended) A tangible computer-readable medium having stored thereon ~~computer-executable~~ instructions ~~that, if executed by a computing system, cause the computing system to perform a method~~ the instructions comprising:

instructions to track~~tracking~~ communications received at the computing system from a client system via a communications link, wherein a communication received from the client system includes a time associated with the communication; and

for an image that is to be distributed by the computing system to a client system, instructions to,

determining determine whether a time associated with a most recently received communication from the client system is within a certain time period;

~~if it is determined~~ in response to determining that the time associated with the most recently received communication from the client system is within the certain

time period, ~~sending~~ send the image to the client system via the communications link; and

~~if it is determined~~ in response to determining that the time associated with the most recently received communication from the client system is not within the certain time period, ~~sending~~ send the image to the client system via a mechanism other than the communications link.

56.   (Currently Amended) The computer-readable medium of claim 55 wherein the instructions to track communications include instructions configured to track communications ~~communication~~ received from the client system ~~is~~ that are transmitted at the initiative of the client system.

57.   (Currently Amended) The computer-readable medium of claim 55 wherein the instructions to track communications include instructions configured to track ~~communication received from the client system is a~~ heartbeat signals that ~~is~~ are sent periodically to the distribution system by the client system.

58.   (New) The method of claim 1, further comprising:
determining whether a time at which the image is to be distributed by the distribution system to the client system is within a threshold time period of the most recently received communication from the client system.

59.   (New) The system of claim 37 wherein the component that is configured to determine whether to distribute the package of images is configured to determine how to distribute the package to the client system based on whether a time at which the package of images is to be distributed is within a threshold time period of when the client system last communicated with the image distribution computing system via the communications link.

60.   (New) The method of claim 46 wherein determining whether to send the image via the Internet or via another mechanism is further based on whether a time at which the image is to be sent to the client system is within a threshold time period of when the heartbeat communication was last received from the client system.

61.   (New) The computer-readable medium of claim 55, wherein the instructions further comprise:

instructions to determine whether a time at which the image is to be distributed to the client system is within a threshold time period of the most recently received communication from the client system.

62.   (New) The method of claim 1, further comprising:

in response to determining that the time associated with the most recently received communication is within the certain time period, sending the image to the client system via the communications link.

63.   (New) The method of claim 1, further comprising:

in response to determining that the time associated with the most recently received communication is not within the certain time period, sending the image to the client system via a mechanism other than the communications link.